

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

PHILADELPHIA INDEMNITY	§	
INSURANCE COMPANY	§	
	§	
VS.	§	CIVIL NO. 5:17-cv-00083-FB
	§	
RENEW MINISTRIES f/k/a	§	
CELEBRATE LIFE CHURCH, INC.	§	
and TERRY R. KNIGHTEN	§	

**ORDER GRANTING PLAINTIFF’S MOTION TO DISMISS
INTERVENORS’ COUNTERCLAIM FOR DECLARATORY RELIEF**

On this day, the Court considered Plaintiff Philadelphia Indemnity Insurance Company’s opposed Rule 12(b)(6) Motion to Dismiss Intervenor’s Counterclaim for Declaratory Relief (Doc. #22), as to the counterclaims asserted by Intervenor Amy Arp and Kristen Harvey (“Intervenor”). The Court, having considered the motion, is of the opinion that the motion shall be granted. It is, therefore,

ORDERED that Philadelphia Indemnity Insurance Company’s Plaintiff Philadelphia Indemnity Insurance Company’s Rule 12(b)(6) Motion to Dismiss Intervenor’s Counterclaim for Declaratory Relief is GRANTED. It is further

ORDERED that Intervenor’s counterclaim seeking a declaratory judgment “seeking a determination that there is insurance coverage under the subject policies for the claim asserted in each of the respective underlying lawsuits” is DISMISSED WITH PREJUDICE. It is further

ORDERED that Intervenor’s request for “the reasonable and necessary attorney fees and costs incurred” in seeking their declaratory relief is DISMISSED WITH PREJUDICE.

SIGNED this _____ day of _____, 2017.

FRED BIERY
UNITED STATES DISTRICT JUDGE